



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P(MD)No.13297 of 2018

and

W.M.P..(MD) .No.12102 of 2018

WEB COPY

S.Selvin

.. Petitioner

Vs.

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai,
Kanyakumari District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from interfering with the prayer conducted in the residential house of the petitioner in resurvey No.42/4B, Painkulam Village, Vilavancode Taluk, Kanyakumari District by considering the representation of the petitioner dated 12.06.2018.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.M.Muniyasamy

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents from interfering with the prayer conducted in the residential house of the petitioner in resurvey No.42/4B, Painkulam Village, Vilavancode Taluk, Kanyakumari District by considering the representation of the petitioner dated 12.06.2018.

2. Heard the learned counsel for the petitioner as well as Mr.M.Muniyasamy, learned Additional Government Pleader, who takes notice for the respondents.

3. According to the petitioner, the property in Resurvey No.42/4B, to an extent of 5 cents, situated at Painkulam Village, Vilavancode Taluk, Kanyakumari District, originally belongs to one Margret Mary, W/o. Jacob was purchased by the Evangelical Church of India for a valid consideration and the same was executed on 18.05.2016 and registered as document No.1030 of 2016 before the Sub



Registration Office, Munchirai. It is a custom followed in the Christianity that the Christian people used to visit the house of Pastors and offered their prayer. Since the petitioner is not conducting any church activities, the question of obtaining any permission does not arise and there is no hindrance caused by the petitioner to anyone by offering prayer in the petitioner's house which is the property in question in this writ petition. Since the petitioner is not using any loud speakers or noise pollutions apparatus, the people residing around the petitioner's house may not have any objection. In such circumstances, under the guise of peace committee, the respondents 1 and 2 insisting the petitioner to give an undertaking as if he will not offer any prayer in his house. The petitioner sent a representation to the first respondent on 12.06.2018 seeking permission to conduct prayer in his house and the same is kept pending. Hence, the petitioner has approached this Court.

4. Learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 12.06.2018 is disposed of by the first respondent at the earliest after providing adequate opportunity to the petitioner. In support of his case, the petitioner relied upon the order of this Court in W.P.(MD).No.10782 of 2006 dated 14.08.2012, wherein this Court has held that there is no need to get prior permission from any authority for assembling and conducting prayer in a dwelling place.

5. Learned Additional Government Pleader appearing for the respondents would submit that the first respondent is prepared to consider the representation of the petitioner and to pass suitable orders on the same.

6. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to consider the representation dated 12.06.2018 submitted by the petitioner, if the above cited order of this Court is applicable to the facts of the present case, and to pass appropriate orders in accordance with law, as early as possible, if there is no legal impediment to do so.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

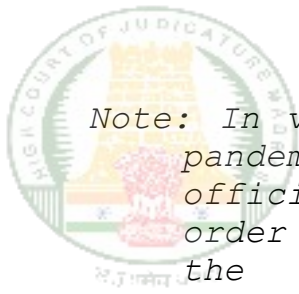
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/ /2020

Sub Assistant Registrar(CS)

PJL

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WEB COPY

To

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The Revenue Divisional Officer,
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Kanyakumari District.

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Vilavancode Taluk,
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Kanyakumari District.

+1 CC to M/s.SPL GP (SR-23113[F] dated 27/11/2020)

W.P (MD) No.13297 of 2018
26.11.2020

TP (CO)
KB(17.12.2020) 3P 5C